

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 237A.12, the Department of Human Services amends Chapter 109, “Child Care Centers,” Iowa Administrative Code.

This amendment conforms child care center licensing standards to legislation enacted in 2011 Iowa Acts, House File 649, section 92. The amendment changes an exemption to licensing to clarify that parents may be employed by a fitness center or nonprofit organization to teach or lead a social or recreational activity instead of merely participating in it. The parent still must be immediately available and accessible on the physical premises where the care is provided.

Notice of Intended Action for this amendment and other proposed amendments was published in the Iowa Administrative Bulletin on December 14, 2011, as **ARC 9898B**. Although all three of the comments the Department received supported the amendments in the Notice of Intended Action, the Department has not adopted the amendments proposed in Items 2, 3, and 4 of the Notice, at the request of the Legislature’s Administrative Rules Review Committee. Those items proposed adding language to:

- Require specific levels of physical activity for children who are in care for four hours or more each day, and
- Limit time children may spend viewing television, DVDs, and videos and using computers.

The Department may consider rule making on these issues at a later date. A complete summary of the comments and the Department’s responses is available on the Department’s Web site at: <http://www.dhs.iowa.gov/policyanalysis/RulesPages/phcomm.htm>.

The Council on Human Services adopted this amendment on February 8, 2012.

This amendment does not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code chapter 237A as amended by 2011 Iowa Acts, House File 649, section 92.

This amendment will become effective May 1, 2012.

The following amendment is adopted.

Amend rule **441—109.1(237A)**, definition of “Child care,” numbered paragraph “14,” as follows:

14. A program offered to a child whose parent, guardian, or custodian is engaged solely in a recreational or social activity, remains immediately available and accessible on the physical premises on which the child’s care is provided, and does not engage in employment while the care is provided. However, if the recreational or social activity is provided in a fitness center or on the premises of a nonprofit organization, the parent, guardian, or custodian of the child may be employed to teach or lead the activity.

[Filed 2/8/12, effective 5/1/12]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/7/12.